

REMARKS


The Examiner rejected claim 20 under 35 U.S.C. §112 as failing to comply with the enablement requirement stating that the limitation of “an unsealed room” is not supported in the specification or drawings. As correctly noted by the Examiner, paragraph 8 says that the room is moderately sealed, paragraph 22 says it is sufficiently sealed, and paragraph 53 says it is satisfactorily sealed and further discusses the use of an over pressure to account for leaks in the room. The presence of such leaks would prevent the room from being sealed as the term is understood and therefore the references to moderately sealed are believed to support a recitation of an “unsealed room” in the claims. Nevertheless, to move the application more quickly to allowance, the Applicant has cancelled claim 20. Therefore, the Examiner’s §112 rejection is believed to be moot.

Turning to the substantive rejections, the Examiner rejected claims 1-12 as being anticipated by Kotliar and claims 13-14 and 19-20 as obvious over Kotliar in view of Choi. The Applicant believes that the amendment to claim 1 makes these rejections moot. In particular, claim 1 was amended to include the limitations of original claim 11 that the oxygen bearing gas mixture is produced by an air separation installation in which room air is added in a circulatory mode and where additionally ambient air or nitrogen or a nitrogen-bearing gas mixture may be mixed with the circulatory air in an amount which corresponds to an equivalent of the added air with increased oxygen content produced in the air separation procedure. In contrast to the applied patents, the claimed invention removes room air from the room, treats the room air in a separation installation and then feeds the treated air back into the room. Nitrogen-bearing gas or ambient air is supplied to the separation installation for mixing to achieve the desired concentrations of oxygen and nitrogen. With respect to the applied patents, while a gas circulation unit is disclosed in Kotliar, this unit is not capable of mixing supplied ambient air or nitrogen-bearing gas. Instead, a separate air separation and recycling unit is provided that takes in room air and separates oxygen from the room air and feeds it back as hypoxic gas to the room. Consequently, Kotliar does not disclose a separation installation that receives ambient air or nitrogen or nitrogen-bearing gas as claimed to produce added air with the desired concentration of nitrogen and oxygen as claimed. Choi does not cure this deficiency. Therefore,

the Applicant believes that amended claim 1 is not anticipated or obvious over Kotliar by itself or in combination with Choi.

In accordance with the amendment to claim 1 and claim 11 have been cancelled. Also, claims 19 and 20 have been cancelled to help move the application more quickly to allowance. The cancellation of these claims is made without prejudice or disclaimer. The Applicant believes that the amendment places the claims in condition for allowance or in the alternative in better condition for an appeal, and requests entry thereof. In view of the amendment and the foregoing remarks, the Applicant respectfully requests reconsideration of the final rejection and entry of a Notice of Allowance.

Respectfully submitted,
Hahn, Loeser & Parks LLP

A handwritten signature in dark ink, appearing to read 'Shannon V. McCue', is written over a horizontal line.

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